

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Gram Panchayats – Madanapuram Gram Panchayat, Kothakota Mandal, Mahaboobnagar District – Irregularities committed by the Sri M. Vemanna, Ex-Sarpanch, Madanapuram Gram Panchayat and involving misuse of Panchayat funds amounting to Rs. 3,01,740/- Recovery under R.R. Act under section 265 (1) of A.P.P.R. Act 1994 - Appeal Petition Disposed of- Orders - Issued

PANCHAYAT RAJ AND RURAL DEVELOPMENT (Pts. II-A) DEPARTMENT

G.O. Rt. No. 2072

Dated: 12 -12-2013.

Read the following:-

- 1) From the Collector (PW), Mahabubnagar District Proceedings No. B1/470/2011-A5, dt. 2-8-2013
- 2) From the High Court of A.P. Hyderabad order dt.16-8-2012 in W.P. No.24061/2012.
- 3) Appeal Petition filed by Sri M.Vemanna, Ex-Sarpanch, Madanapuram Village and Gram Panchayat, Kothakota (M), Mahabubnagar District- Dated 19-8-2013.
- 4) Govt. Memo No. 20895/Pts.IIA/2013-1 dt. 22-8-2013.
- 5) From High Court of A.P. Hyderabad order dt 30-9-2013 in W.P.No.27 596.
- 6) Govt. Memo No. 20895/Pts.IIA/2013/2013, dt. 22-11-2013.
- 7) From the Collector (PW), Mahabubnagar Dist. No. B1/470/2011-A7, dt. 7 -12-2013

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ORDER:

The Collector (PW), Mahaboobnagar District in his proceedings 1st read above, has stated that basing on the report of the Divisional Panchayat Officer, Gadwal, Sri Vemanna, Ex-Sarpanch, Gram Panchayat Madanapur of Kothakuta Mandal was asked to submit his explanation for mis utilising an amount of rupees 3,01,740/- from G.P., State Finance Commission and Thirteen Finance Commission that having not satisfied with the explanation, final orders were issued to recover the amount under Section 265 of A.P.P.R. Act, 1994,

2. In the reference 2nd read above, the Hon'ble High Court, duly allowing the W.P. No. 24061/2012 filed by Sri Vemanna, Ex-Sarpanch, Gram Panchayat Madanapur of Kothakota Mandal, has set aside the impugned order dt. 18-7-2012, on the ground that the same is not a reasoned order and consequently suffers from malice in law. Sri M. Vemanna, Ex- Sarpanch Madanapuram Gram Panchayat, has filed an appeal Petition before the Government. The Government vide Memo 4th read above, have called for a detailed report on the contentions made in the Appeal Petition from the District Collector (PW), Mahabubnagar.

3. In the meanwhile, Sri M.Vemanna, Ex-Sarpanch, Madanapuram Gram Panchayat, has filed W.P. No. 27596/2013, in A.P. High Court Hyderabad. The High Court in its order dt. 30th September, 2013 in W.P.No. 27596/2013 has directed the Government to dispose of the Appeal Petition filed by the petitioner within a period of three months .

(p.t.o.)

4. In the reference 6th read above, the appeal petition was posted for hearing on 07-12-2013. The District Panchayat Officer, Mahaboobnagar, Sri M. Vemanna, Ex-Sarpanch, Madanapuram G.P. and the Counsel for Petitioner have attended the hearing. During the hearing, the D.P.O. Mahaboobnagar has informed that the Collector (PW), Mahabubnagar, has authorised the Divisional Panchayat Officer, Gadwal to recover the amount from the said Ex-Sarpanch. Sri M.Vemanna, has remitted an amount of Rs. 2,01,740/- (i.e., Rs.71,200/- vide challan No. 7054, dt. 24-8-2013, Rs. 50,000/- vide challan No. 10486 dt. 30-10-2013 and Rs. 80,540/-, vide challan No. 11068, dt. 11.11.2013) towards misappropriated amount pertains to State Finance Commission and Thirteen Finance Commission. The individual has requested to conduct Grama Sabha afresh to prove his genuineness in booking expenditure for cleaning the Side Drains from GP General funds. He has further informed that Complainant who raised allegations against Sri Vemanna, Ex-Sarpanch, Gram Panchayat Madanapuram are belongs to Madanapuram Village. Original complainant approached A.P. Ho'ble Lokayuktha, after due hearing /WSD by the District Collector and in the complaint, it is observed that the works was not questioned but the procedure followed for doing work is not as per rules. The D.P.O. has informed that it is reasonable that this much amount will be spent for cleaning of drains in a village of this size over five years.

5. After hearing the arguments on 7-12-2013, it is observed that Ex-Sarpanch Sri M. Vemanna remitted an amount of 75% and remaining 25% amount is presumed to have been spent for cleaning of drainage in Grampanchayat. It is relevant to note that the finding by the Collector(Pts) is only that the expenditure is not properly recorded. It is not the case of Collector(Pts) that the amount is not spent at all. Accordingly, the Government hereby order to stop the recovery of remaining amount from Sri M. Vemanna, Ex-Sarpanch, and drop further action against Sri M.Vemanna, Ex- Sarpanch, Madanapuram Gram Panchayat, Kothakota Mandal, Mahabubnagar District.

6. The District Collector (PW), Mahabubnagar shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Collector (PW), Mahaboobnagar District.

The District Panchayat Officer, Mahaboobnagar District.

Copy to:

The Commissioner of Panchayat Raj & Rural Employment, Hyderabad.

Sri M.Vemanna, Ex- Sarpanch, Madanapuram, Gram Panchayat,

Kothakota Mandal, Mahaboobnagar District.

P.S. to M (PR).

P.S. Prl. Secy. (PR)

Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER